

NOTICE: Formatting and page numbering in this document are different from that in the original published version.

SIXTIETH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 22, 2008

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

REPORTS OF STANDING COMMITTEES

February 21, 2008

HB 2878 Prime Sponsor, Representative Clibborn: Making 2008 transportation supplemental appropriations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rolfes; Sells; Simpson; Smith; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Armstrong; Campbell; Rodne and Warnick.

February 21, 2008

SSB 5524 Prime Sponsor, Senate Committee on Consumer Protection & Housing: Addressing the restriction of mobile home or manufactured home locations. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chair; Springer, Vice Chair; Armstrong, Ranking Minority Member; Liias; McCune; Ormsby and Schindler.

Passed to Committee on Rules for second reading.

February 20, 2008

SB 5878 Prime Sponsor, Senator Hargrove: Concerning the filing of police incident reports for victims of identity theft. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature enacts sections 3 and 4 of this act to expressly reject the interpretation of *State v. Leyda*, 157 Wn.2d 335, 138 P.3d 610 (2006), which holds that the unit of prosecution in identity theft is any one act of either knowingly obtaining, possessing, using, or transferring a single piece of another's identification or financial information, including all subsequent proscribed conduct with that single piece of identification or financial information, when the acts are taken with the requisite intent. The legislature finds that proportionality of punishment requires the need for charging and punishing for obtaining, using, possessing, or transferring any individual person's identification or financial information, with the requisite intent. The legislature specifically intends that each individual who obtains, possesses, uses, or transfers any individual person's identification or financial information, with the requisite intent, be classified separately and punished separately as provided in chapter 9.94A RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 9.35 RCW to read as follows:

(1) A person who has learned or reasonably suspects that his or her financial information or means of identification has been unlawfully obtained, used by, or disclosed to another, as described in this chapter, may file an incident report with a law enforcement agency, by contacting the local law enforcement agency that has jurisdiction over his or her actual residence, place of business, or place where the crime occurred. The law enforcement agency shall create a police incident report of the matter and provide the complainant with a copy of that report, and may refer the incident report to another law enforcement agency.

(2) Nothing in this section shall be construed to require a law enforcement agency to investigate reports claiming identity theft. An incident report filed under this section is not required to be counted as an open case for purposes of compiling open case statistics.

Sec. 3. RCW 9.35.001 and 1999 c 368 s 1 are each amended to read as follows:

The legislature finds that means of identification and financial information ((is)) are personal and sensitive information such that if unlawfully obtained, possessed, used, or transferred by others may ((do)) result in significant harm to a person's privacy, financial security, and other interests. The legislature finds that unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain ((and)), possess, use, and transfer another person's means of identification or financial information. The legislature intends to penalize ((unscrupulous people)) for each unlawful act of improperly obtaining, possessing, using, or transferring means of identification or financial information of an individual person. The

unit of prosecution for identity theft by use of a means of identification or financial information is each individual unlawful use of any one person's means of identification or financial information. Unlawfully obtaining, possessing, or transferring each means of identification or financial information of any individual person, with the requisite intent, is a separate unit of prosecution for each victim and for each act of obtaining, possessing, or transferring of the individual person's means of identification or financial information.

Sec. 4. RCW 9.35.020 and 2004 c 273 s 2 are each amended to read as follows:

(1) No person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, living or dead, with the intent to commit, or to aid or abet, any crime.

(2) Violation of this section when the accused or an accomplice ~~((uses the victim's means of identification or financial information))~~ violates subsection (1) of this section and obtains ~~((an aggregate total of))~~ credit, money, goods, services, or anything else of value in excess of one thousand five hundred dollars in value shall constitute identity theft in the first degree. Identity theft in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(3) ~~((Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value that is less than one thousand five hundred dollars in value, or when no credit, money, goods, services, or anything of value is obtained shall constitute identity theft in the second degree.))~~ A person is guilty of identity theft in the second degree when he or she violates subsection (1) of this section under circumstances not amounting to identity theft in the first degree. Identity theft in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(4) Each crime prosecuted under this section shall be punished separately under chapter 9.94A RCW, unless it is the same criminal conduct as any other crime, under RCW 9.94A.589.

(5) Whenever any series of transactions involving a single person's means of identification or financial information which constitute identity theft would, when considered separately, constitute identity theft in the second degree because of value, and the series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining the degree of identity theft involved.

(6) Every person who, in the commission of identity theft, shall commit any other crime may be punished therefor as well as for the identity theft, and may be prosecuted for each crime separately.

(7) A person who violates this section is liable for civil damages of one thousand dollars or actual damages, whichever is greater, including costs to repair the victim's credit record, and reasonable attorneys' fees as determined by the court.

~~((5))~~ (8) In a proceeding under this section, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

~~((6))~~ (9) The provisions of this section do not apply to any person who obtains another person's driver's license or other form of identification for the sole purpose of misrepresenting his or her age.

~~((7))~~ (10) In a proceeding under this section in which a person's means of identification or financial information was used without that person's authorization, and when there has been a conviction, the sentencing court may issue such orders as are

necessary to correct a public record that contains false information resulting from a violation of this section."

Correct the title.

Signed by Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Kirby.

Passed to Committee on Rules for second reading.

February 20, 2008

SSB 5929 Prime Sponsor, Senate Committee on Judiciary: Making a false or misleading material statement that results in an Amber alert. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Kirby.

Passed to Committee on Rules for second reading.

February 20, 2008

SSB 6184 Prime Sponsor, Senate Committee on Judiciary: Addressing most serious offenses. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Kirby.

Passed to Committee on Rules for second reading.

February 20, 2008

ESSB 6442 Prime Sponsor, Senate Committee on Judiciary: Modifying provisions relating to the office of public defense. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, line 37, after "counties;" insert "and"

On page 4, beginning on line 1, after "cities" strike all material through "experience" on line 8

Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

February 20, 2008

SB 6525 Prime Sponsor, Senator Kline: Concerning the drug offender sentencing alternative. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Kirby.

Passed to Committee on Rules for second reading.

February 20, 2008

2SSB 6775 Prime Sponsor, Senate Committee on Ways & Means: Addressing the digital literacy and technology training needs of low-income and underserved areas through state support of community technology programs. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Hankins; Herrera; Hudgins; Hurst; Kelley; Morris; Takko and Van De Wege.

Referred to Committee on Appropriations Subcommittee on Education.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated except for HOUSE BILL NO. 2878 which was placed on the Second Reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Transportation was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 6527, and the bill was referred to the Committee on Public Safety & Emergency Preparedness.

There being no objection, the Committee on State Government & Tribal Affairs was relieved of further consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 6235, and the bill was referred to the Committee on Local Government.

There being no objection, the House reverted to the first order of business.

The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Stephan Waters and John Waters, grandsons of Representative John McCoy. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was performed by the Walla Walla Valley Academy String Orchestra, Directed by John Hansen. Prayer was offered by Reverend Dr. Charolotte Beeler Petty, Risen Faith Fellowship, Olympia.

RESOLUTION

HOUSE RESOLUTION NO. 4672, By Representatives Warnick, Dickerson, Hinkle and Hankins

WHEREAS, Washoe was known throughout the world as the first nonhuman to acquire a human language, American Sign Language; and

WHEREAS, Dr. Roger Fouts and his wife Deborah came to Central Washington University in 1980 and created a sanctuary for Washoe and her family at the Chimpanzee and Human Communication Institute; and

WHEREAS, Washoe, the only chimpanzee at the institute who was born in Africa, was the matriarch of the chimpanzee family; and

WHEREAS, Washoe opened a window into the cognitive workings of a chimpanzee's mind and added a new dimension to our understanding of communication among both humans and nonhumans; and

WHEREAS, Those who met Washoe learned from her and her family the connections shared between humans and our fellow creatures and came to understand the importance of being responsible stewards for all life; and

WHEREAS, Washoe, born in 1965 and a dear friend to many, passed away on October 30, 2007;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives extend its deepest sympathy to Roger and Deborah Fouts for the loss of Washoe, a beloved friend; and

BE IT FURTHER RESOLVED, That the House of Representatives thank Roger and Deborah Fouts and Central Washington University for their passionate dedication to providing the highest possible quality of life to Washoe and her family and for enhancing the world's insight into the complexities and wonders of communication among living creatures, including humans and nonhumans; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. Roger Fouts, Deborah Fouts, Dr. Stephanie Stein, Dr. Martha Kurtz, Dr. Wayne Quirk, and Dr. Jerilyn S. McIntyre.

Representative Warnick moved the adoption of the resolution.

Representatives Warnick and Dickerson spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4672 was adopted.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2878, By Representative Clibborn; by request of Office of Financial Management

Making 2008 transportation supplemental appropriations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2878 was substituted for House Bill No. 2878 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2878 was read the second time.

Representative Kristiansen moved the adoption of amendment (1307):

On page 2, line 5, decrease the Motor Vehicle Account--State Appropriation by \$123,000

On page 2, line 9, correct the total

On page 13, beginning on line 11, strike all material through line 12

On page 13, line 14, correct the total

On page 15, beginning on line 34, strike all of subsection (14)

On page 26, line 12, decrease the Motor Vehicle Account--State Appropriation by \$140,000

On page 26, line 22, correct the total

On page 28, beginning on line 24, strike all of subsection (9)

On page 42, line 10, increase the Motor Vehicle Account--State Appropriation by \$263,000

On page 42, after line 29, insert the following:

"Multimodal Transportation Account--State Appropriation.....\$76,000"

On page 42, line 31, correct the total

On page 49, after line 24, insert the following:

"(32) \$263,000 of the Motor Vehicle Account--State Appropriation and \$76,000 of the Multimodal Transportation Account--State appropriation are provided solely for project number 23 on the US route 2 development plan. Project 23 includes re-marking passing lanes by restriping the existing three lane roadway to create a west-bound uphill passing lane, allowing additional opportunity for vehicles to pass slower vehicles and reducing the potential of head-on collisions."

Representative Kristiansen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

MOTIONS

On motion of Representative Santos, Representatives Eddy, McIntire and Quall were excused. On motion of Representative Schmick, Representatives Crouse, Hailey, Schindler and Skinner were excused.

Representative Clibborn moved the adoption of amendment (1301):

On page 42, line 8, increase the Transportation Partnership Account--State Appropriation by \$5,071,004

On page 42, line 31, adjust the total

On page 43, line 6, after "April 20, 2007" insert ", and except that funding for project SR 510/Yelm Loop - New alignment (351025A) shall be provided as follows: \$17,697,433 of the transportation partnership account--state appropriation and \$1,293,274 of the motor vehicle account--state appropriation and an additional \$4,346,150 of the transportation partnership account--state appropriation shall also be provided for the 2009-11 biennium"

Representative Clibborn spoke in favor of the adoption of the amendment.

Representative Ericksen spoke against the adoption of the amendment.

The amendment was adopted.

Representative Bailey moved the adoption of amendment (1314):

On page 42, line 10, increase the Motor Vehicle Account--State Appropriation by \$7,500,000

On page 42, line 31, correct the total

On page 49, after line 24 insert the following:

"(32) \$7,500,000 of the motor vehicle account--state appropriation is provided solely to widen SR 20 between Swantown avenue and Erie street in Oak Harbor."

Representatives Bailey and Ericksen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rodne moved the adoption of amendment (1312):

On page 49, beginning on line 4, after (30) strike all material through "bridge, the" on line 5 and insert "The department shall not collect pre-construction tolls on the existing state route 520 bridge.

(31) The"

Renumber remaining subsections consecutively and correct internal references accordingly.

Representatives Rodne, Anderson, Ericksen and Anderson (again) spoke in favor of the adoption of the amendment.

Representatives Clibborn, Simpson and Jarrett spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1312) to Substitute House Bill No. 2878.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1312) to Substitute House Bill No. 2878, and the amendment was not adopted by the following vote: Yeas - 34, Nays - 57, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, DeBolt, Dunn, Ericksen, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schmick, Smith, Sump, Walsh and Warnick - 34.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 57.

Excused: Representatives Crouse, Eddy, Hailey, McIntire, Quall, Schindler and Skinner - 7.

Representative Hankins moved the adoption of amendment (1304):

On page 49, after line 24, insert the following:

"(32) In order to balance the 16-year financial plan in the 2008 supplemental budget, Transportation Partnership Act project 582301S and Nickel project 501028J were delayed to the "future" biennium. Any savings on other Transportation Partnership Act and Nickel projects for fiscal years 2008 and beyond must be directed to restore funding to the delayed projects identified in this subsection and as funded in ESHB 1094, Leap Transportation Document 2007-1, Highway Improvement Program (I) as developed April 20, 2007. Until the projects identified in this subsection are complete, the department must present a report every November that identifies the total costs of all Transportation Partnership Act and Nickel projects and clearly states any cost savings that have been achieved for fiscal years 2008 and beyond."

Representatives Hankins and McDonald spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (1306) was withdrawn.

Representative Kristiansen moved the adoption of amendment (1308):

On page 49, after line 24, insert the following:

"(32) The department shall implement all recommendations identified by the state auditor in the Performance Audit Report of the Washington Department of Transportation's Administration and Overhead, report number 1000007, dated November 15, 2007. This report identifies total potential 5-year cost savings of \$18.19 to \$23.58 million. All cost savings achieved from implementing these recommendations shall be directed to fund project 37 in the Highway 2 Route Development Plan, which is described as follows: In the rural area of Segment 3, between milepost 15.64 and 30.28, widen eastbound and westbound shoulders, install eastbound and westbound shoulder rumble strips, and implement various roadside safety improvements to reduce potential collisions. The project cost estimate is between \$15.8 and \$19.7 million."

Representatives Kristiansen, Pearson, Armstrong, Ericksen and Kristiansen (again) spoke in favor of the adoption of the amendment.

Representatives Linville, Hudgins and Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1308) to Substitute House Bill No. 2878.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1308) to Substitute House Bill No. 2878, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 50, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Campbell, Chandler, Condotta, DeBolt, Dunn, Dunshee, Ericks, Ericksen, Grant, Haler, Hankins, Herrera, Hinkle, Hurst, Kelley, Kretz, Kristiansen, Loomis, McCoy, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Sells, Smith, Sump, Walsh and Warnick - 41.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Eickmeyer, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 50.

Excused: Representatives Crouse, Eddy, Hailey, McIntire, Quall, Schindler and Skinner - 7.

Representative Ericksen moved the adoption of amendment (1309):

On page 49, after line 24, insert the following:

"The department shall take the necessary steps to move forward with a state route number 520 bridge replacement project design that provides six total lanes, with four general purpose lanes and two lanes that are for high-occupancy vehicle travel and can accommodate high capacity transportation. The bridge shall be built to provide for additional capacity in the future without additional retrofitting or construction."

Representatives Ericksen and Anderson spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1309) to Substitute House Bill No. 2878.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1309) to Substitute House Bill No. 2878, and the amendment was not adopted by the following vote: Yeas - 35, Nays - 56, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, DeBolt, Dunn, Ericksen, Goodman, Haler, Hankins, Herrera, Hinkle, Hunter, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schmick, Smith, Springer, Sump, Walsh and Warnick - 35.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 56.

Excused: Representatives Crouse, Eddy, Hailey, McIntire, Quall, Schindler and Skinner - 7.

Representative Anderson moved the adoption of amendment (1310):

On page 49, after line 24, insert the following:

"(32) The governor shall make a final design decision for the central waterfront section of the Alaskan Way Viaduct by May 1, 2008. If a final design decision is not made by the established deadline, \$1.5 billion of state funding dedicated to the Alaskan Way Viaduct shall be reallocated to the state route number 520 bridge and HOV replacement project."

Representatives Anderson, Ericksen, Rodne, Orcutt, Ericksen (again) and Anderson (again) spoke in favor of the adoption of the amendment.

Representatives Clibborn, Simpson and Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1310) to Substitute House Bill No. 2878.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1310) to Substitute House Bill No. 2878, and the amendment was not adopted by the following vote: Yeas - 35, Nays - 56, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Campbell, Chandler, Condotta,

DeBolt, Dunn, Ericksen, Haigh, Haler, Hankins, Herrera, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schmick, Smith, Sump, Walsh and Warnick - 35.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 56.

Excused: Representatives Crouse, Eddy, Hailey, McIntire, Quall, Schindler and Skinner - 7.

Representative Ahern moved the adoption of amendment (1311):

On page 49, after line 24, insert the following:

"(32) The department shall implement all recommendations identified by the state auditor in the Performance Audit Report of the Washington Department of Transportation's Highway Maintenance and Construction Management, report number 1000009, dated January 10, 2008. This report identifies total potential cost savings of \$41.9 million. All cost savings achieved from implementing these recommendations shall be directed to fund additional projects on the North Spokane Corridor."

Representatives Ahern and Ericksen spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1311) to Substitute House Bill No. 2878.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1311) to Substitute House Bill No. 2878, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 53, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Chandler, Condotta, DeBolt, Dunn, Ericksen, Grant, Haler, Hankins, Herrera, Hinkle, Hurst, Kelley, Kretz, Kristiansen, Loomis, McCune, McDonald, Newhouse, Orcutt, Ormsby, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Smith, Sump, Walsh, Warnick and Wood - 38.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lias, Linville, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams and Mr. Speaker - 53.

Excused: Representatives Crouse, Eddy, Hailey, McIntire, Quall, Schindler and Skinner - 7.

Representative Rodne moved the adoption of amendment (1313):

On page 49, after line 24, insert the following:

"Replacing the state route number 520 bridge is an emergency and a top priority of the state, therefore the replacement state route number 520 bridge must be open to traffic in five years, rather than the current completion date of 2018. The legislature must immediately take the necessary actions to accomplish this goal."

Representatives Rodne, Anderson, Anderson (again) and Ericksen spoke in favor of the adoption of the amendment.

Representatives Clibborn, Simpson and Jarrett spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1313) to Substitute House Bill No. 2878.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1313) to Substitute House Bill No. 2878, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 54, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, DeBolt, Dunn, Ericksen, Goodman, Green, Haler, Hankins, Herrera, Hinkle, Hunt, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schmick, Smith, Springer, Sump, Walsh and Warnick - 37.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Sullivan, Takko,

Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 54.

Excused: Representatives Crouse, Eddy, Hailey, McIntire, Quall, Schindler and Skinner - 7.

Representative Armstrong moved the adoption of amendment (1303):

On page 71, beginning on line 18, after "local rail district" strike "to which operating rights for the PCC rail line system area assigned"

Representatives Armstrong and Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Jarrett, Seaquist, Loomis and Rolfes spoke in favor of passage of the bill.

Representatives Ericksen, Rodne, Anderson, Orcutt and Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2878.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2878 and the bill passed the House by the following vote: Yeas - 37, Nays - 54, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, DeBolt, Dunn, Ericksen, Goodman, Green, Haler, Hankins, Herrera, Hinkle, Hunt, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schmick, Smith, Springer, Sump, Walsh and Warnick - 37.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 54.

Excused: Representatives Crouse, Eddy, Hailey, McIntire, Quall, Schindler and Skinner - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Clibborn thanked the OPR Transportation Committee staff and asked the Chamber to acknowledge their hard work and dedication.

There being no objection, the House reverted to the fifth order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 22, 2008

HB 2687 Prime Sponsor, Representative Sommers: Making 2008 operating supplemental appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; Morrell; Pettigrew; Schual-Berke; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Hinkle; Kretz; McDonald; Priest; Ross; Schmick and Walsh.

February 22, 2008

HB 2765 Prime Sponsor, Representative Fromhold: Making 2008 supplemental capital appropriations. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Appleton; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Hankins; Hasegawa; Kelley; McCune; Pearson; Pedersen; Sells; Skinner; Smith and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representative Orcutt.

February 22, 2008

HB 3374 Prime Sponsor, Representative Fromhold: Concerning state general obligation bonds for flood mitigation and facilities for career and technical education. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Appleton; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Sells; Skinner; Smith and Upthegrove.

February 22, 2008

HB 3375 Prime Sponsor, Representative Alexander: Appropriating funds for catastrophic flood relief. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Appleton; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Sells; Skinner; Smith and Upthegrove.

February 22, 2008

SB 6250 Prime Sponsor, Senator Haugen: Protecting the confidentiality and privacy of personal information in connection with drivers' licenses and identicards. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 21, 2008

SSB 6260 Prime Sponsor, Senate Committee on Natural Resources, Ocean & Recreation: Facilitating outdoor recreational opportunities for the terminally ill. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Kristiansen; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 21, 2008

SB 6271 Prime Sponsor, Senator Hatfield: Concerning the compensation of special purpose district commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Nelson and Schmick.

Passed to Committee on Rules for second reading.

February 21, 2008

SB 6283 Prime Sponsor, Senator Rasmussen: Addressing membership on the apple commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Kristiansen; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 21, 2008

SB 6284 Prime Sponsor, Senator Schoesler: Modifying provisions relating to the dairy products commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Kristiansen; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 22, 2008

SSB 6309 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Requiring disclosure of greenhouse gas vehicle emissions. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Dickerson; Eickmeyer and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; and Pearson.

Passed to Committee on Rules for second reading.

February 22, 2008

SSB 6322 Prime Sponsor, Senate Committee on Judiciary: Revising the definition of a weapon. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 22, 2008

SSB 6339 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing for address confidentiality of victims of trafficking. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 15, after "under" strike all material through "7101" on line 16 and insert "22 U.S.C. Sec. 7102(8) as it existed on the effective date of this subsection, or such subsequent date as may be provided by the secretary of state by rule, consistent with the purposes of this subsection"

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 22, 2008

SB 6464 Prime Sponsor, Senator Fairley: Addressing judicial district population estimates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 21, 2008

SB 6465 Prime Sponsor, Senator Roach: Allowing active duty military personnel to purchase a temporary

fishing license at the resident rate. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Kristiansen; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 22, 2008

SSB 6500 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Authorizing leave sharing for victims of domestic violence, sexual assault, and stalking. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 22, 2008

SB 6504 Prime Sponsor, Senator Hatfield: Exempting certain minor new construction associated with construction storm water general permits from SEPA. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Sump, Ranking Minority Member; Dickerson; Eickmeyer; O'Brien and Pearson.

Passed to Committee on Rules for second reading.

February 22, 2008

SB 6685 Prime Sponsor, Senator Pflug: Regarding the ethical use of e-mail for legislative updates. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 21, 2008

SB 6728 Prime Sponsor, Senator Berkey: Enacting the governor's homeownership security task force recommendations regarding responsible mortgage lending and homeownership. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Roach, Ranking Minority Member; Hurst; Loomis; Rodne; Santos; Simpson and Smith.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated except for the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 2687,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 3374,
HOUSE BILL NO. 3375,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., February 25, 2008, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk